

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

LARRY E. CHARLES and : Case No. 19-10095-TPA
SHIRLEY M. CHARLES, : Chapter 12
Debtors. : Related to Doc. 49

ORDER

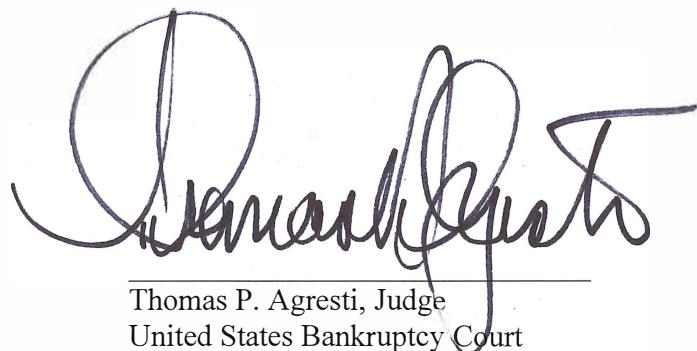
On June 20, 2019 a hearing was held on the ***Order to Show Cause*** issued on May 9, 2019 for the Debtors' failure to timely file a Chapter 12 Plan and related documents. On May 16, 2019 the Debtors filed their ***Chapter 12 Plan*** (Doc. 51) and related documents. The ***Chapter 12 Plan*** was scheduled for Pre-Confirmation hearing, and by June 14, 2019 the Debtors were to file Income/Cash Flow Projections for the next twelve months and Historical Income/Cash Flow Statements for twelve months prior to Plan filing. On June 17, 2019, the Debtors filed the ***Historical Income and Expense Summary*** (Doc. 69) and ***Projected Income and Expense Summary*** (Doc. 70) ("Projections").

The ***Historical Income and Expense Summary*** contains adequate information from the twelve months prior to Plan filing, however, the Projections state they are based on average actual income available on monthly operating reports for the first three months of the present case. The Court does not regard Projections averaging three months of income and expenses to be adequate or helpful in determining feasibility in any way and will require Projections based on broader historical numbers and monthly trends, not just mere averages, to be filed. Therefore,

AND NOW, this ***21st*** day of ***June, 2019***, for the reasons stated at the June 20th hearing and above, it is hereby ***ORDERED, ADJUDGED, and DECREED*** that:

(1) The *Order to Show Cause* (Doc. 49) is **VACATED**, however, the Court reiterates, if this case is unsuccessful, the Debtors will be barred from refiling for three years.

(2) *On or before July 5, 2019* the Debtors shall file **Amended Projections** as an Exhibit to the *Chapter 12 Plan*.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:

Brian Thompson, Esq.
Ronda Winnecour, Esq.
Jill Locnikar, Esq.
Debtors

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Larry E. Charles
 Shirley M. Charles
 Debtors

Case No. 19-10095-TPA
 Chapter 12

CERTIFICATE OF NOTICE

District/off: 0315-1

User: jmar
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 2

Date Rcvd: Jun 21, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 23, 2019.

db/jdb +Larry E. Charles, Shirley M. Charles, 1407 Deckards Run Road, Cochranton, PA 16314-9343
 aty +Ronda J. Winnecur, Suite 3250, USX Tower., 600 Grant Street, Pittsburgh, PA 15219-2702

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 23, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 21, 2019 at the address(es) listed below:

Brian C. Thompson on behalf of Debtor Larry E. Charles bthompson@ThompsonAttorney.com, blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com
 Brian C. Thompson on behalf of Joint Debtor Shirley M. Charles bthompson@ThompsonAttorney.com, blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@thompsonattorney.com
 Christopher P. Schueller on behalf of Creditor Commercial Loan Investment VII, LLC christopher.schueller@bipc.com, donna.curcio@bipc.com
 David A. Scott on behalf of Creditor CNH Industrial Capital America LLC scott@lg-law.com
 James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com
 Jill Locnikar on behalf of Creditor United States of America acting through Farm Service Agency jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov
 Kelly M. Neal on behalf of Creditor Commercial Loan Investment VII, LLC kelly.neal@bipc.com, donna.curcio@bipc.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winnecur cmeccf@chapter13trusteeewdpa.com

TOTAL: 9